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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/857,042

02/25/2002

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05/01/2006

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EXAMINER

SHAH, MILAP

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

09/857,042

Examiner

Milap Shah

Applicant(s)

BENNETT ET AL.

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 14 July 2005 (a preliminary amendment) is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

- 1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- 2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment

  
Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 4(e) Other: The amendment deletes many words and phrases from within a majority of the claims using brackets "[ ]", however, these are only to be used when the deletion is under 5 characters long. The excessive use of the brackets in this situation creates a difficult to examine or read claim listing, such that entire sentences are deleted using brackets and this deletion may be unintentionally overlooked due to the shape/size of the bracket. Please use the strikeout method for deleted text. Also, even when brackets are used, double brackets around 5 characters or less must be used, such as [[award]]. See MPEP 714(c).

Continuation of 5 Other: Claims 210-217 were added in this amendment, however, it appears in the priority documents (i.e. the PCT of this U.S. case) that there were originally 219 claims, therefore, claims 210-217 being added is improper. The preliminary amendment appears to cancel claims 159-209. The Examiner assumes this is typographical error and it should have been 159-219, allowing for the new claims to be 220-227 rather than 210-217.